

Suspension, Expulsion, and Exclusion Procedures.

St Marys Flexible Learning Centre (SMFLC)

Rationale

St Marys Flexible Learning Centre has developed specific procedures that must be followed when considering the suspension, expulsion, or exclusion of a young person.

SMFLC offers a socially inclusive educational environment to young people disenfranchised from mainstream education due to complex multiple factors associated with personal, family, social and community alienation.

In the Melbourne Declaration on Educational Goals for Young Australians (2008), Goal 1 states that;

❖ **Australian schooling promotes equity and excellence.**

Elaborations of the goal hold particular relevance for developing suspension and expulsion procedures for SMFLC:

- provide all students with access to high-quality schooling that is free from discrimination based on gender, language, sexual orientation, pregnancy, culture, ethnicity, religion, health or disability, socioeconomic background or geographic location
- ensure that socioeconomic disadvantage ceases to be a significant determinant of educational outcomes
- reduce the effect of other sources of disadvantage, such as disability, homelessness, refugee status and remoteness
- ensure that schooling contributes to a socially cohesive society that respects and appreciates cultural, social and religious diversity
- promote personalised learning that aims to fulfil the diverse capabilities of each young Australian
- ensure that the learning outcomes of Indigenous students improve to match those of other students
- ensure that schools build on local cultural knowledge and experience of Indigenous students as a foundation for learning, and work in partnership with local communities on all aspects of the schooling process, including to promote high expectations for the learning outcomes of Indigenous students

SMFLC is committed to upholding equitable opportunities for young people to access education. Our procedures for suspension and expulsion are contextual to our special assistance school setting, and reflects a socially inclusive educational environment.

Definitions

A suspension is a temporary removal of a student from all of the classes that a student would normally attend at a school for a set period of time.

Expulsion is the permanent removal of a student from one particular school.

Exclusion is the act of preventing a student's admission to a number of schools. In extreme circumstances, the principal of a school may make a submission to an appropriate authority, or to

other schools, recommending the permanent exclusion of a student from the registration system of which the school is a member, or from other schools.

Procedures for Suspension

In determining whether a young person's actions are serious enough to warrant a suspension, the Network Principal and/or Head of Campus will consider the safety, care and welfare of the young person, staff and other young people. The Network Principal/Head of Campus will:

- Ensure appropriate personalised learning and support strategies and discipline options have been applied and documented in the TASS system, including collaborative problem solving meetings which will be minuted, and documented in TASS.
- review young person personal learning plan goals, adjustments and safety plan
- ensure the young person knows, and understands the four principles of operation, behaviour expectations, and has reviewed and signed both a working agreement and young person code of conduct
- ensure that appropriate support personnel available within the school and externally have been involved
- ensure that a discussion has occurred with the student and parents/carers regarding specific behaviour which the school considers unacceptable and which may lead to suspension
- develop, in conjunction with the school learning support team or appropriate school or appropriate personnel, specific personalised learning and support to assist the student to manage inappropriate behaviour

A young person may be considered for suspension if they are consistently in breach of the school working agreement and principles, and all other strategies as above have been exhausted.

Young people will typically not be suspended for a set period of time, unless as determined on a case by case basis. It is the intention that young people will have a collaborative problem solving meeting and re-attend school as soon as possible. The timeframe for a young person returning to school is dependent on both the school, and parents/carers availability to meet, however it is expected that young people will return to school within 5 days or sooner, where possible.

Procedures for Expulsion

In some serious circumstances, the Network Principal may determine that a young person is to be expelled from the school. Typically, consideration of expulsion is due to the following breaches of the safe and legal principle from the student code of conduct:

- A young person is physically violent: Any young person who is physically violent, resulting in injury, or whose violent behaviour seriously interferes with the safety and wellbeing of others, and this is a particularly severe incident, or is an ongoing issue.
- Is in possession of a weapon, and this is an ongoing risk to the safety of the community
- Is using, dealing, or in possession of an illegal substance (aside from alcohol and tobacco), and this is a particularly severe, or ongoing issue.

In determining whether a young person's actions are serious enough to warrant expulsion, the Network Principal and/or Head of Campus will consider the safety, care and welfare of the young person, staff and other young people. The Network Principal/Head of Campus will:

- Ensure appropriate personalised learning and support strategies and discipline options have been applied, and documented using TASS notes, including collaborative problem solving meetings which will be minuted and documented in TASS
- Review of personal learning plan goals, adjustments and safety plan
- ensure the young person knows and understands the four principles of operation, behaviour expectations, and has signed both a working agreement and young person code of conduct
- ensure that appropriate support personnel available within the school and externally have been involved
- ensure that a discussion has occurred with the student and parents/carers regarding specific behaviour which the school considers unacceptable and which may lead to expulsion
- develop, in conjunction with the school learning support team or appropriate school or appropriate personnel, specific personalised learning and support to assist the student to manage inappropriate behaviour
- Consideration given to a part time enrolment/engagement plan

Procedures for Exclusion

Whilst ultimately determined on a case by case basis, the position of SMFLC is that we would not seek to prevent a young person from enrolling in another school. However, SMFLC will give appropriate information to other schools/systems so that they may make the best decision for their setting. SMFLC will always inform any potential school of all issues of concern, provide supporting paperwork and evidence, and support a transition however possible, whilst continuing to advocate for all young people.

Procedural Fairness

SMFLC is committed to procedural fairness when making decisions regarding suspension, expulsion, or exclusion

Procedural fairness is a basic right of all when dealing with authorities. Procedural fairness refers to what are sometimes described as the 'hearing rule' and the 'right to an unbiased decision'. The 'hearing rule' includes the right of the person against whom an allegation has been made to:

- Know the allegations related to a specific matter and any other information which will be taken into account in considering the matter
- Allegations regarding young person behaviour will be clearly communicated both in writing, and through the collaborative meeting process before consideration of suspension, expulsion, or exclusion. The Head of Campus and/or Network Principal will be involved in this process prior to consideration of suspension, expulsion, or exclusion.
- Incident reports are documented by all concerned parties as a matter of process for all incidents that may ultimately result in a suspension, expulsion, or exclusion
- If required, an interpreter will be arranged
- know the process by which the matter will be considered
- Policies and procedures relating to suspension, expulsion, and exclusion are published, located in the front office, and available by request. The process will be explained to families during the collaborative meeting process.

- respond to the allegations
- Families and young people have the right to respond to the allegations during the collaborative problem solving process. This response will be minuted and saved in TASS notes. Families and young people may also put in writing their response to the allegations which will be saved in TASS.
- Know how to seek a review of the decision made in response to the allegations.
- Young people and families may seek to have a decision reviewed if they consider that correct procedures have not been followed, and/or that an unfair decision has been reached. To lodge a formal review, young people and families may lodge a formal complaint through the schools complaints handling program. The complaints handling guide is published and accessible at the front office.

The 'right to an unbiased decision' includes the right to:

- impartiality in an investigation and decision-making
- An absence of bias by a decision-maker.
- If the Network Principal is conducting both the investigative and decision-making stages, he or she must be reasonable and objective. To be procedurally fair, the principal must act justly and be seen to act justly
- If possible, a delegated person may be preferable to carry out the procedures, including the investigation, if this adds further fairness to the process.